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EXAMINER	
SALCE, JASON P	

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/681,354	FRIES ET AL.	
	Examiner	Art Unit	
	Jason P Salce	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 March 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☒ Claim(s) *21* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 March 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 21 is objected to because of the following informalities: On Line 7, the limitation "by the consumer of an electronic program hardware card", should read, "by the consumer, an electronic program hardware card". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-4, 6-9 and 11-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by De Vito et al. (U.S. Patent No. 6,452,616).

Referring to claim 1, De Vito discloses a hardware card (see smart card 10 in Figure 1 and Column 3, Lines 40-41 and Column 4, Line 22) for insertion into a television-tuning device (see smart card interface 9 in Figure 1 and Column 9, Lines 1-4) having electronic program guide capability (see Column 3, Lines 55-64 and Figure 2).

De Vito also discloses a case having a form factor (see smart card 10 in Figure 1 and Column 4, Line 22). The examiner notes that the applicant's specification on Page 2, Paragraph 0006 states, "The case of the hardware card may have a form factor such

as a smart Card, a Compact Flash, a Smart Media, or another form factor". Therefore, the examiner's interpretation of a form factor is the structure of the device, such as a smart card, which is taught by De Vito by smart card 10 in Figure 1.

De Vito also discloses a non-volatile memory situated within the case (see Column 10, Line 3 for the smart card having a memory) and having data stored thereon that enable the television tuning device to access an electronic program guide (see Column 7, Lines 1-25 for the smart card providing conditional access to programs according to data (the "user interface module") stored on the smart card and Column 4, Lines 54-60 for a more detailed description of how the smart card is used to provide conditional access features) from an electronic program guide provider (see Column 3, Lines 40-64 for receiving data packets from a broadcasting station via satellite, which provides data packets for appropriate applications (program guide)). Also note that the memory situated in a smart card is inherently non-volatile. The examiner has included the definition of "non-volatile storage" from www.dictionary.com, which states, "a storage device whose contents are preserved when its power if off". Since a smart card can be plugged/unplugged from the decoder (see Column 3, Lines 6-7 and Figure 1 for inserting a smart card 10 into a decoder, therefore allowing a card to also be unplugged) it is inherently not directly supplied power, and therefore is non-volatile because the smart card must retain it's contents for the next time it is plugged in for use.

Referring to claim 2, De Vito discloses that the data represents a loader program for the television-tuning device (see Column 7, Lines 1-4 for a user interface module stored on the smart card 10 as well as the entitlement data (ECMs and EMMs) at

Column 7, Lines 12-14, which is used to display a program guide using the user interface module stored in the smart card 10 to limit the display of all the data stored in the main user interface stored in the television tuning device's memory (see Figure 3 and Column 7, Lines 40-41 and Column 8, Lines 65-67 and Figure 4)). Therefore, to be consistent with the definition of a loader program in Figure 5 of the Applicant's specification, the examiner is interpreting the loader program to be any data stored on the smart card 10 used for accessing the program guide data in the decoder of Figure 1 of De Vito.

De Vito also discloses that each loader program (see Column 2, Lines 15-17 for each user having their own smart card used to provide there own user interface module (program loader)) corresponds to an electronic program guide provider (see Figure 4 and Column 10, Lines 42-55 for the user interface module (loader program) being integrated into the main user interface stored in the viewer's television tuning device and that the main user interface program guide data is received from an electronic program guide provider (see again Column 3, Lines 40-64)). Therefore, since the user interface module (loader program) is integrated with the main user interface, and an electronic program guide provider provides the main user interface, then the user interface module inherently corresponds to the electronic program guide provider, since the user interface module is being used to limit the main user interface data transmitted by the electronic program guide provider.

Referring to claim 3, De Vito discloses that each loader program comprises a decoder segment (see Column 4, Lines 35-62 for using ECM data for descrambling

scrambled (encoded) data packet payload information) to decode encoded (scrambled) electronic program guide information (see Column 3, Lines 47-56 for distributing incoming data packet information to the appropriate applications and Column 3, Lines 60-64 for an application being a program guide, which uses the incoming information (scrambled/encoded data packets) which are descrambled using the ECM data described at Column 4, Lines 35-62) from the electronic program guide provider to which the loader program corresponds (see Figure 4 and Column 10, Lines 42-55 for the user interface module (loader program) being integrated into the main user interface stored in the viewer's television tuning device and that the main user interface program guide data is received from an electronic program guide provider (see again Column 3, Lines 40-64)). Also note that the ECM data in the data packets are received from the broadcaster (see Column 4, Lines 37-42) and are stored in the smart card 10 (see Column 4, Lines 54-56), therefore the loader program (user interface module and entitlement data (ECM and EMM data)) corresponds to the electronic program guide provider.

Referring to claim 4, De Vito discloses that each loader program (see Column 2, Lines 15-17 for each user having their own smart card used to provide there own user interface module (program loader)) includes specification of a program (which is transmitted on a channel) in a network (see Column 7, Lines 20-21), thereby providing a specification of a transmission network.

De Vito also discloses that the transmission network provides encoded electronic program guide information (see Column 3, Lines 47-56 for distributing incoming data

packet information to the appropriate applications and Column 3, Lines 60-64 for an application being a program guide, which uses the incoming information (scrambled/encoded data packets) which are descrambled using the ECM data described at Column 4, Lines 35-62). Therefore, De Vito discloses that the loader program (data stored on the smart card) specifies a transmission network (the identification code of a program on a network) where the network is capable of transmitting program guide information (see Column 3, Lines 40-64).

De Vito also discloses receiving the encoded electronic program guide information from the electronic program guide provider to which the loader program corresponds (see Figure 4 and Column 10, Lines 42-55 for the user interface module (loader program) being integrated into the main user interface stored in the viewer's television tuning device and that the main user interface program guide data is received from an electronic program guide provider (see again Column 3, Lines 40-64)). Also note that the ECM data in the data packets are received from the broadcaster (see Column 4, Lines 37-42) and are stored in the smart card 10 (see Column 4, Lines 54-56), therefore the loader program (user interface module and entitlement data (ECM and EMM data)) corresponds to the electronic program guide provider.

Referring to claim 6, De Vito discloses that the loader program (data stored on the smart card) includes a database segment to transfer the loader program into the television-tuning device (see Column 9, Lines 1-18 for inserting the smart card and transferring the user interface module (loader program) into the decoder). Therefore,

the database segment that provides data transfer from the smart card to the decoder is provided by De Vito, otherwise no data transfer would be able to take place.

Referring to claim 7, De Vito discloses that each loader program (data stored on the smart card) includes a segment to provide a user interface (see Column 10, Lines 18-30 for the Card Retrieval function providing a segment (program code) needed to provide the display screen).

Referring to claim 8, De Vito discloses that the data represents non-executable information decodable by the television-tuning device (see Column 4, Lines 40-41 for transmitting scrambled data and Column 4, Lines 54-56 for receiving the scrambled service at the decoder) to access electronic program guide information from an electronic program guide provider (see Column 3, Lines 40-64 for receiving the data packets (which can be scrambled) and that the data packets can include program guide data).

Referring to claim 9, De Vito discloses that the non-executable information is decodable by a decoder segment of the television-tuning device (see Column 4, Lines 54-60 for decoding the scrambled data packet by a descrambler circuit 7 (segment of the television-tuning device) in Figure 1).

Referring to claim 11, De Vito discloses that the television-tuning device comprises a set-top box (see decoder at Column 3, Lines 40-54). The examiner notes that the Microsoft Computer Dictionary defines set-top box as, "A device that converts a cable TV signal to an input signal to the TV set" (see attached). Therefore, the decoder meets the limitation of a set-top box.

Referring to claim 12, De Vito discloses that the form factor is a Smart Card form factor (see Column 4, Lines 20-22 and Figure 1 for a smart card 10). The examiner notes that the applicant's specification on Page 2, Paragraph 0006 states, "The case of the hardware card may have a form factor such as a smart Card, a Compact Flash, a Smart Media, or another form factor". Therefore, the examiner's interpretation of a form factor is the structure of the device, such as a smart card, which is taught by De Vito by smart card 10 in Figure 1.

Referring to claim 13, De Vito discloses a television-tuning device (decoder of Figure 1) having an outer case (see the decoder of Figure 1 with an outer case, represented by the box, with elements 1, 11, 10, 14, 21 and 22 outside of the outer case).

De Vito also discloses a slot within the outer case (see smart card interface 9 in Figure 1) to accept a hardware card (smart card 10) having a form factor (see the rejection of claim 12) to provide the device with capability to receive electronic program guide information from an electronic program guide provider (see the rejection of claim 1) over a specified network (see broadcast satellite network 1 in Figure 1 and Column 3, Lines 43-45).

De Vito also discloses a connection within the outer case to communicatively couple the device to a display (see the connection from element 20 within the outer case of the decoder to the television display 22 in Figure 1).

Referring to claim 14, see the rejection of claim 14.

Referring to claim 15, De Vito discloses that the hardware card has a non-volatile memory (see Column 10, Line 3 for the smart card having a memory) on which non-executable information is stored that is decodable by a decoder segment of the television tuning device, the non-executable information, when decoded by the decoder segment, providing the device with the capability to receive the electronic program guide information (see the rejection of claims 8 and 9). Also note that the memory situated in a smart card is inherently non-volatile. The examiner has included the definition of "non-volatile storage" from www.dictionary.com, which states, "a storage device whose contents are preserved when its power if off". Since a smart card can be plugged/unplugged from the decoder (see Column 3, Lines 6-7 and Figure 1 for inserting a smart card 10 into a decoder, therefore allowing a card to also be unplugged) it is inherently not directly supplied power, and therefore is non-volatile because the smart card must retain it's contents for the next time it is plugged in for use.

Referring to claim 16, see the rejection of claim 1 (for a non-volatile memory in the smart card 10 of Figure 1) and the rejection of claim 2 (for the smart card 10 storing a loader program (data stored on the smart card) which corresponds to an electronic program guide provider) and the rejection of claim 1 (for the loader program (data) enabling the television-tuning device to access (receive) electronic program guide information).

Referring to claim 17, De Vito discloses inserting a hardware card into a slot of a television-tuning device (see Column 8, Lines 1-3 for inserting the smart card into the

decoder) communicatively coupled to a display (see Figure 1 for the decoder coupled to display 22).

De Vito also discloses accessing data stored on the hardware card to enable the device to receive electronic program guide information from an electronic program guide provider (see the rejection of claim 1) over a specified network (see Column 3, Lines 40-64 and provider 1 in Figure 1 for receiving electronic program guide information from an electronic program guide provider over a specified network).

Referring to claim 18, De Vito discloses that accessing the data stored on the hardware card (see rejection of claim 17) includes loading a loader program from the hardware card into the television-tuning device (see Column 9, Lines 8-9 for transferring the user interface module from the smart card to the decoder), the loader program corresponding to the electronic program guide provider (see the rejection of claim 2) and enabling the device to receive the electronic program guide information (see the rejection of claim 1).

Referring to claim 19, De Vito discloses that accessing the data stored on the hardware card (see the rejection of claim 17) includes decoding non-executable information from the hardware card to enable the device to receive the electronic program guide information (see the rejection of claim 8).

Referring to claim 20, De Vito discloses removing the hardware card from the slot of the television-tuning device (see Column 4, Line 22 for a "removable smart card 10"). The examiner notes that since the smart card is "removable", then the smart card can inherently be removed from the decoder when he/she desires.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Vito et al. (U.S. Patent No. 6,452,616) in view of Bahraini (U.S. Patent Application Publication 2002/0116706).

Referring to claim 5, De Vito discloses a transmission network (see Column 3, Lines 41-44 for transmitting video, audio and data in data packets from a broadcast station over a satellite), but fails to teach that the transmission network is capable of providing out-of-band signaling.

Bahraini discloses that additional information can be sent in the out-of-band or in-band channel of a television-programming network (see Paragraph 0009 on Page 1).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the decoder, as taught by De Vito, to utilize an out-of-band channel for receiving additional data, as taught by Bahraini, for the purpose of directing a STB to channels where the desired software or code object to download is located (see Paragraph 0011 of Bahraini).

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Vito et al. (U.S. Patent No. 6,452,616) in view of Kostreski (U.S. Patent No. 5,734,589).

Referring to claim 10, De Vito teaches a smart card with a non-volatile memory, but fails to teach that the non-volatile memory is a flash memory.

Kostreski teaches that a television-tuning device (DET 100) can also contain a smart card through a PCMCIA slot 155, and that the smart card includes a flash memory module (see Column 14, Lines 48-52).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the smart card, as taught by De Vito, using the smart card with flash memory, as taught by Kostreski, for the purpose of further communicate with medical information or video game software read from the smart card (see Column 14, Lines 53-61 of Kostreski).

5. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria (U.S. Patent No. 6,405,369) in view of De Vito et al. (U.S. Patent No. 6,452,616).

Referring to claim 21, Tsuria discloses offering a consumer one or more electronic hardware cards for purchase (see Column 6, Lines 9-10 for purchasing a hardware card from a vendor). The examiner notes that a vendor is defined as, "one that sells or vends". Therefore, a vendor inherently offers (vends) goods or services for purchase, such as a hardware card (see definition of "vendor" and "vends" from www.dictionary.com).

Tsuria also discloses that the cards can be inserted into a corresponding slot of a television-tuning device used by the consumer (see Column 5, Lines 30-31 for inserting a smart card 18 into a smart card slot 20 of a decoder 10 in Figure 1).

Tsuria also discloses purchasing by the consumer an electronic hardware card (see Column 6, Lines 17-19 for purchasing one or more smart cards).

Tsuria also discloses loading the electronic hardware card into the television-tuning device (see Column 5, Lines 30-42 for loading a smart card into a decoder in Figure 1).

Tsuria fails to disclose that the smart card can enable the television-tuning device to access different store electronic program guide information.

De Vito discloses that a smart card contains a user interface module (electronic program guide information), which is enabled when plugged into a decoder (television tuning-device) (see Column 9, Lines 1-15 and Figure 3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the smart card, as taught by Tsuria, using the smart card with electronic program guide information, as taught by De Vito, for the purpose of providing a flexible solution to allow evolution of a user interface (see Column 2, Lines 13-14 of De Vito) by adapting a user interface module to each user based on the content stored on a portable smart card (see Column 2, Lines 15-17 of De Vito).

Claim 22 corresponds to claim 21, where Tsuria discloses inserting a smart card into a television-tuning device (see Column 5, Lines 30-33) and the subscriber inserting the smart card into television-tuning device (see Column 7, Lines 24-27).

Claim 23, corresponds to claim 21, where Tsuria discloses inserting a smart card into a television-tuning device (see Column 5, Lines 30-33) and the subscriber inserting

the smart card into television-tuning device (see Column 7, Lines 24-27), but fails to disclose that a merchant loads the card into the television-tuning device.

The examiner takes Official Notice that it is well known for a merchant to initially install a smart into a television-tuning device.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the subscriber installing the electronic program guide hardware card, as taught by Tsuria and De Vito, with a merchant providing the installation, for the purpose of allowing the merchant to teach the consumer how to use the television-tuning device with the smart card by providing an highly intuitive demonstration.

Claim 24 corresponds to claim 21, where Tsuria discloses initially comprising receiving of the television-tuning device by the consumer (see Column 4, Line 67 and Column 5, Lines 1-4 for initially receiving a decoder installed in a room of the subscriber's residence).

Claim 25 corresponds to claim 24, where Tsuria discloses that receiving of the television-tuning device by the consumer (see the rejection of claim 24) includes purchasing of the television-tuning device by the consumer (see again Column 4, Line 67 and Column 5, Lines 1-4 for purchasing the received decoder installed at the subscriber's residence).

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria (U.S. Patent No. 6,405,369) in view of De Vito et al. (U.S. Patent No. 6,452,616) in

further view of Forrester (Can Sleepy Set-Top Boxes Ever Be Sexy?, Fall 1999, TBS Archives).

Referring to claim 26, Tsuria and De Vito disclose all of the limitations in claim 24, as well as receiving of the television-tuning device by the consumer (see the rejection of claim 24), but fails to disclose providing of the television-tuning device by a merchant to the consumer free-of-charge to the consumer.

Forrester discloses that the merchant BSkyB gave away television-tuning devices (STBs) free-of-charge to consumers (see Page 1, Paragraph 5).

At the time the invention was made, it would have been obvious for a person of ordinary skill in the art, to modify the sale of television-tuning devices, as taught by Tsuria and De Vito, by providing the consumers television-tuning devices free-of-charge, as taught by Forrester, for the purpose of enticing more consumers to subscribe to a merchant's particular programming services.

7. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria (U.S. Patent No. 6,405,369) in view of De Vito et al. (U.S. Patent No. 6,452,616) in further view of the U.S. Department of Justice (Undercover Customs Operation Results in Charges and Pleas in Connection with Stolen Satellite Television).

Referring to claim 27, Tsuria and De Vito disclose all of the limitations in claim 24, but fail to disclose that when a receiver is purchased, the smart card is included along with the television-tuning device.

The U.S. Department of Justice has provided a press release stating that when a customer signs a contract with DirecTV, a smart card comes with the receiver that the customer inserts into a box on a television to activate the service (see Page 1, Paragraph 6).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify receiving of the television-tuning device, as taught by Tsuria and De Vito, by providing the consumer with the television-tuning device along with a smart card, as taught by the U.S. Department of Justice, for the purpose of providing specialized programming to customers for a periodic flat fee (see Page 1, Paragraph 6 of the U.S. Department of Justice's Press Release).

8. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria (U.S. Patent No. 6,405,369) in view of De Vito et al. (U.S. Patent No. 6,452,616) in further view of Cooper et al. (U.S. Patent No. 6,754,904).

Referring to claim 28, Tsuria and De Vito disclose all of the limitations in claim 24, as well as De Vito disclosing access to a provider by the television-tuning device (see Column 3, Lines 40-56 for accessing data packets sent from a broadcaster (provider) by a decoder (television-tuning device)).

De Vito also discloses receiving different electronic program guide information (see Column 3, Lines 60-64 for receiving electronic program guide information for upcoming events, therefore providing a variety of different information (also see Column 7, Lines 45-55 for different types of information) associated with the electronic program

guide hardware card inserted into the television-tuning device (see Column 9, Lines 1-18 for providing a user interface module stored on a smart card, to integrate into the main user interface in the television-tuning device).

However, Tsuria and De Vito are silent as to the broadcaster (provider) being a provider server.

Cooper discloses that different EPG information can be transmitted in the VBI of traditional video signals through a server 506 (see Column 5, Lines 16-32).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the broadcaster, as taught by De Vito and Tsuria, using the server for transmitting the EPG information through the VBI, as taught by Cooper, for the purpose of unobtrusively transmitting information to the set-top boxes (see Column 5, Lines 27-28 of Cooper).

9. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria (U.S. Patent No. 6,405,369) in view of De Vito et al. (U.S. Patent No. 6,452,616) in further view of Spies et al. (U.S. Patent No. 6,055,314).

Referring to claim 29, Tsuria and De Vito disclose all of the limitations in claims 24, as well as Tsuria disclosing purchasing the electronic program guide hardware card by the consumer (see the rejection of claim 21) and De Vito indicating the different electronic program guide information associated with the electronic program guide hardware card (also see the rejection of claim 21).

However, Tsuria and De Vito are silent as to registering the hardware card with a provider server.

Spies discloses registering an IC card 50 with a merchant computing unit 44 using a credential 54 and once the IC card is approved (registered) with the provided credential, the viewer is allowed to access the information (see Column 6, Lines 34-58). The examiner notes that since the merchant computing unit serves the viewer with the information, it is therefore a server provider as recited in the claim.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the program guide smart card distribution system, as taught by Tsuria and De Vito, using the smart card registration system, as taught by Spies, for the purpose of eliminating the risk that cracking a specific hardware component such as the STB will compromise the entire system (see Column 2, Lines 4-5 of Spies).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 14, 2004